

Exhibit 4

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Russian Prime Minister Vladimir Putin and his then-Ukrainian counterpart, Yulia Tymoshenko, attend a signing ceremony in Moscow on Jan. 19, 2009. The agreement ended a gas supply dispute and squeezed Tymoshenko nemesis, Dmytro Firtash, and RosUkrEnergo out of the bilateral gas trade. But the deal disintegrated after the Feb. 7, 2010, election of Viktor Yanukovich as president. Now, RosUkrEnergo co-owner Firtash – in a multi-billion dollar windfall – has reclaimed 11 billion cubic meters in gas seized by Tymoshenko’s government as part of the Moscow deal. Four former Naftogaz and three former state customs officials involved in the gas seizure are in jail. The reversal of fortunes came after Firtash allies – Yanukovich, presidential chief of staff Serhiy Lyovochkin and Energy Minister Yuriy Boyko among them – returned to power.

Highly Flammable Gas Wars

Feb 4 at 02:33 | Christian Neef

Editor’s Note: This article by German’s Der Spiegel magazine involves Ukrainian gas-trading billionaire Dmytro Firtash, who has filed a libel lawsuit against the Kyiv Post in London for a story published on July 2. The Kyiv Post stands by its story. Repeated attempts to reach Firtash and RosUkrEnergo for comment have been unsuccessful.

Firtash wins, nation loses in Stockholm.

The agreement in early 2009 that restarted gas deliveries from Russia via Ukraine to Western Europe was hailed as a success. But since Viktor Yanukovich became Ukrainian president in February, many of those involved in the deal have been arrested. Furthermore, the president’s friends have profited handsomely while the state has lost a fortune.

The official address of the Lukyanivska pre-trial detention center, named after the Lukyanivka neighborhood of Kyiv and located just behind the Defense Ministry barracks, is 13 Degtyaryivska Street. It is a whitewashed brick building, complete with watchtowers and barbed wire, a blue steel door and a gray sliding gate.

A harsh winter wind howls along the street, and the women waiting in front of the entrance with packages under their arms are shivering in the cold. The prison, a building that dates back to the 19th century, is one of the most notorious in Kyiv.

Although it was designed to house 2,800 prisoners, it is now overfilled with 4,000 men. One of the prisoners, Ihor Didenko, says that it’s horrible “to so much as touch a spoon or a cup here.”

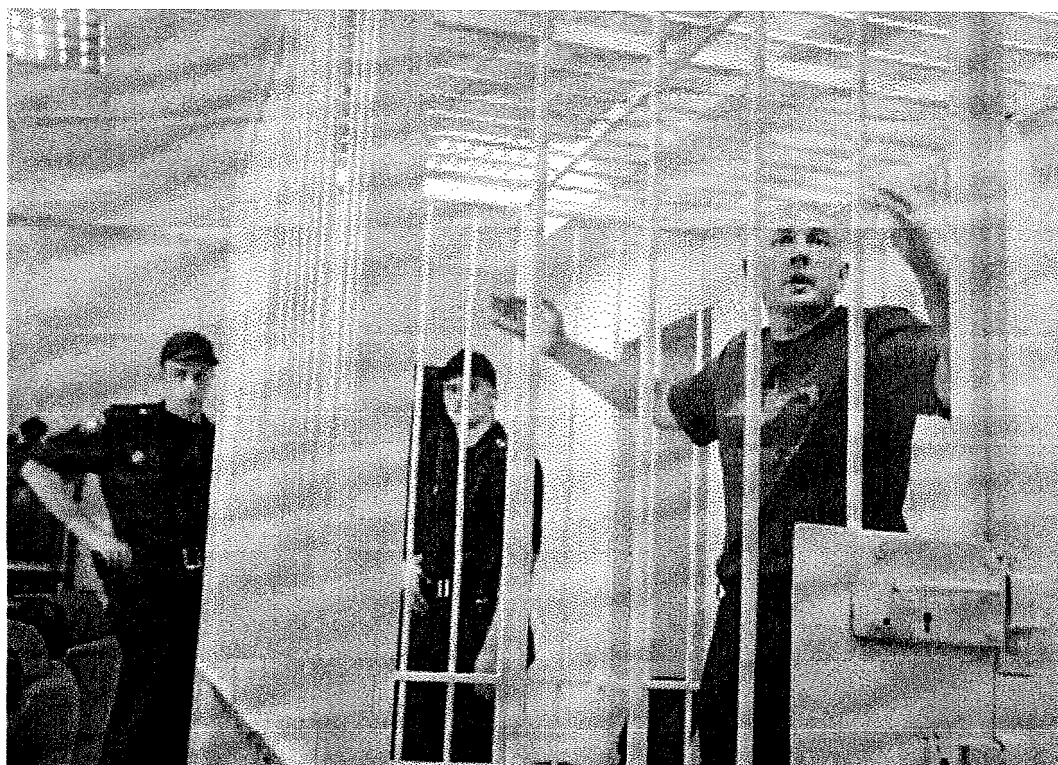
The 46-year-old was on his way to the dentist when he ended up in Lukyanivska.

It was July 9, a Friday, and the weekend was about to begin in a summery Kyiv, but before Didenko could mount the stairs to the dentist's office, he was lying on the asphalt in the middle of the courtyard.

Masked men had thrown him to the ground, tied his hands together and pushed him into a car.

They were members of the "Alpha" special forces unit, an elite group within the Ukrainian intelligence service SBU (Security Service of Ukraine). He was treated like a dangerous criminal when they took him to Lukyanivska, where he has now been imprisoned for almost six months.

There were petitions for clemency after his arrest. Filaret, the patriarch of the Orthodox Church, put in a good word for him, as did Leonid Kravchuk, Ukraine's first president, three dozen members of parliament, businesspeople and scientists. But the petitions have been ignored.



Former Naftogaz deputy chief Ihor Didenko in Kyiv on July 20, 2010. (UNIAN)

'After my blood'

Why was someone like Didenko so important to the government that he was arrested like some Mafia boss? Why does Didenko believe that it is possible "that agitated political groups are after my blood in prison," as he shouted into the courtroom from the caged area where he was being held during his arraignment? And why is Yulia Tymoshenko, the prime minister of Ukraine until March of this year, claiming that Didenko's arrest proves "that the country has fallen into the hands of criminal organizations?"

Advertisement

There is nothing particularly exciting about Didenko's biography. He was born near Vinnytsia in central Ukraine in 1964. He studied commercial information technology and eventually became a businessman. For more than a decade, he served as vice president of Naftogaz, the large state-owned gas company, and even headed the company for a long time. He has a wife and children, and a house in Kyiv's upscale "Golden Gate" residential neighborhood.



"Didenko was a respected professional, a manager," says Serhiy Vlasenko, a lawyer and a member of parliament, who is working with Didenko's attorneys. "He wasn't a politician."

Nevertheless, the Didenko case is highly political. It reveals the inner workings of Ukraine: How some multi-millionaires are using this country — which many non-Ukrainians only associate with the TV images of brawls in parliament — as a vehicle for their business deals; and how the legal culture of Ukraine, a country seeking European Union membership, is being increasingly undermined.

A giant budgetary hole

Didenko's story is the tale of a major deal that has to be of interest to the West, because it suffers every winter as a result of turbulence in Ukraine, even though it has trouble understanding the underlying causes.



Dmytro Firtash (Peter Byrne)

The deal involves 12 billion cubic meters of natural gas, worth billions of dollars, and an arbitration award that has torn a giant hole into the country's budget.

Billionaire Dmytro Firtash, 45, is one of the lead actors in this drama. He is one of the most powerful men in Ukraine and has been successful in the gas and chemical business for years. Valeriy Khoroshkovsky, 41, also plays a leading role.

He is a media mogul, a former economics minister and steel magnate. Khoroshkovsky is also head of the Ukrainian security service, an intelligence agency which also has policing and public prosecutor duties -- a total of 30,000 employees. Finally, Viktor Yanukovich plays a leading role.

The 60-year-old is a former transportation depot manager who was convicted in his younger days of participation in a robbery and assault before rising to become prime minister in 2002. Since February, he has been Ukraine's president.

Ihor Didenko is the final character of note.

The story began in January 2009. Only 12 hours into the new year, Russia had declared a gas war on neighboring Ukraine. On Jan. 1, at 11:48 a.m., Moscow time, the chief engineer at a compressor station near Kursk in western Russia closed a valve on a pipeline. His boss, the head of Russia's Gazprom Group, had ordered him to cut off the flow of gas to Ukraine -- in the middle of an icy winter.

The sudden shutdown of the pipeline didn't just affect Ukraine. Within a few days, the rest of Europe, dependent as it is on Russian gas -- some 80 percent of which is delivered via Ukraine -- likewise felt the squeeze.

Poland, Hungary and Bulgaria reported a drastic drop in pressure, and Slovakia declared a state of emergency on Jan. 6. "The Kremlin is letting Europe freeze," the papers wrote.

Trying patience

The continent had become accustomed to the Russian-Ukrainian gas wars, which regularly flared up in the dead of winter. But this time the conflict lasted almost three weeks, severely trying the patience of Western Europeans.

Once again, Moscow and Kyiv had been unable to agree on a new delivery price. The Russians had demanded \$450 (344) per 1,000 cubic meters, while the cash-strapped Ukrainians felt that \$235 was more appropriate.

"You are taking millions of citizens in Europe hostage," a Bulgarian member of the European parliament shouted at Russian and Ukrainian representatives.

But a surprise ceasefire agreement was reached on Jan. 19. Then Ukrainian Prime Minister Tymoshenko had scored a coup in Moscow. She returned from a meeting with Russian Prime Minister Vladimir Putin with a 10-year agreement on future gas deliveries in hand. Putin's concession was a 20 percent discount on the global market price.

But two other documents, each with substantial appendices, were also signed in Moscow, documents that were long kept secret from the public. They applied to RosUkrEnergo, or RUE, the intermediary that had handled the gas deals between Russia and Ukraine until then.

RosUkrEnergo is the company that would put Ihor Didenko in prison.



People carry collected wood for their heating in Miskolc (180 km/110 miles east of Budapest), Hungary, on Jan. 11, 2009. Russia's gas shipments to Europe via Ukraine froze for about two weeks after the two countries had a dispute on pricing and transit fees. Also centering in the dispute was the role of middleman gas traders in the multi-billion-dollar gas trade between both countries. Swiss-registered RosUkrEnergo was removed as an intermediary as part of the agreement that ended the January 2009 dispute, but it has reappeared under President Viktor Yanukovich. (AP)

A lot of money involved

RosUkrEnergo's business model had been relatively straightforward until then: The company bought cheap gas from the Central Asian country of Turkmenistan and had Gazprom deliver it to the Ukrainian border, where the lion's share was sold at a favorable price to the state-owned Ukrainian company Naftogaz, and the rest to European customers at the global market price.

The rest of Ukraine's demand for gas was supplied by Gazprom from Russian sources, again using RUE as the intermediary.

Everyone benefited from the arrangement. It allowed the Ukrainians to buy gas inexpensively, the Russians could claim to be charging world market prices, and intermediary RUE earned healthy profits – extremely healthy, in fact.

RUE is a typical product of the early days of post-Soviet Eastern Europe, but also one of the most mysterious. Gazprom -- the Russians, that is -- owns 50 percent of the company. The Ukrainian oligarch Dmitry Firtash owns 45 percent, while a partner owns the remaining 5 percent.

RUE is headquartered in the Swiss canton of Zug, while Firtash controls his shares through a company called Centragas Holding, with its offices on Schwindgasse in Vienna.

The intermediate gas trade is not very transparent, but hardly anyone doubts that a lot of the money involved disappears into Ukrainian and Russian pockets. But how much, and where does it go?

Firtash, whose father was a chauffeur and whose mother worked in a sugar factory, never attended university. Nevertheless, as he says himself, he has a "good nose" for business.

His life as a “biznesmen” began after the fall of the Soviet Union, when he exported preserves to Central Asia. Several wholesalers made it possible for him to enter the gas trade, a “dangerous” industry at the time, as Firtash would later admit.

Firtash says that he was acquainted with Semion Mogilevich, the presumed Russian crime boss who the FBI accuses of many offenses involving fraud.



Security Service of Ukraine (SBU) masked police in combat gear occupy the headquarters of the state gas company Naftogaz in Kyiv on March 4, 2009 as part of a criminal inquiry into the Yulia Tymoshenko government's seizure of 11 billion cubic meters in gas on behalf of the state from RosUkrEnergo. As prime minister, Tymoshenko took control of the gas following a Jan. 19, 2009, agreement with Russia that ended a nearly three-week shutoff of gas supplies. RosUkrEnergo, however, filed a claim with a Stockholm arbitration court and won a ruling to reclaim the gas – worth up to \$5.4 billion, depending on the market price. (AFP)

An eight hour debate

Both then Prime Minister Tymoshenko and Gazprom had a strong interest in moving Firtash, a man with a closely cropped, gray beard, out of the profitable gas business.

Even though the Russian monopoly Gazprom was his partner in RUE and had been collecting substantial profits in the lucrative sale of gas to Western markets, it was in an awkward situation in early 2009.

The profits it had been earning on gas exports had declined sharply.

Gazprom needed money, but Firtash owed the company \$1.7 billion, for gas that Moscow had already delivered but that the oligarch was keeping in storage in Ukraine, with the intention of exporting it to Poland and Romania.

During the Jan. 19 negotiations in Moscow, Tymoshenko and Putin agreed that RosUkrEnergo had to go.

The heated debates went on for eight hours, but by the end of the meeting the negotiators had indeed found a way to eliminate the middleman: Gazprom would transfer RUE's debts to Naftogaz, which would then pay Moscow the \$1.7 billion.

In return, Naftogaz would receive access to the 11 billion cubic meters of gas that Firtash's RUE was keeping in

Ukrainian government storage tanks. Under the agreement, the governments in Moscow and Kyiv would conduct their gas dealings directly with each other in the future.

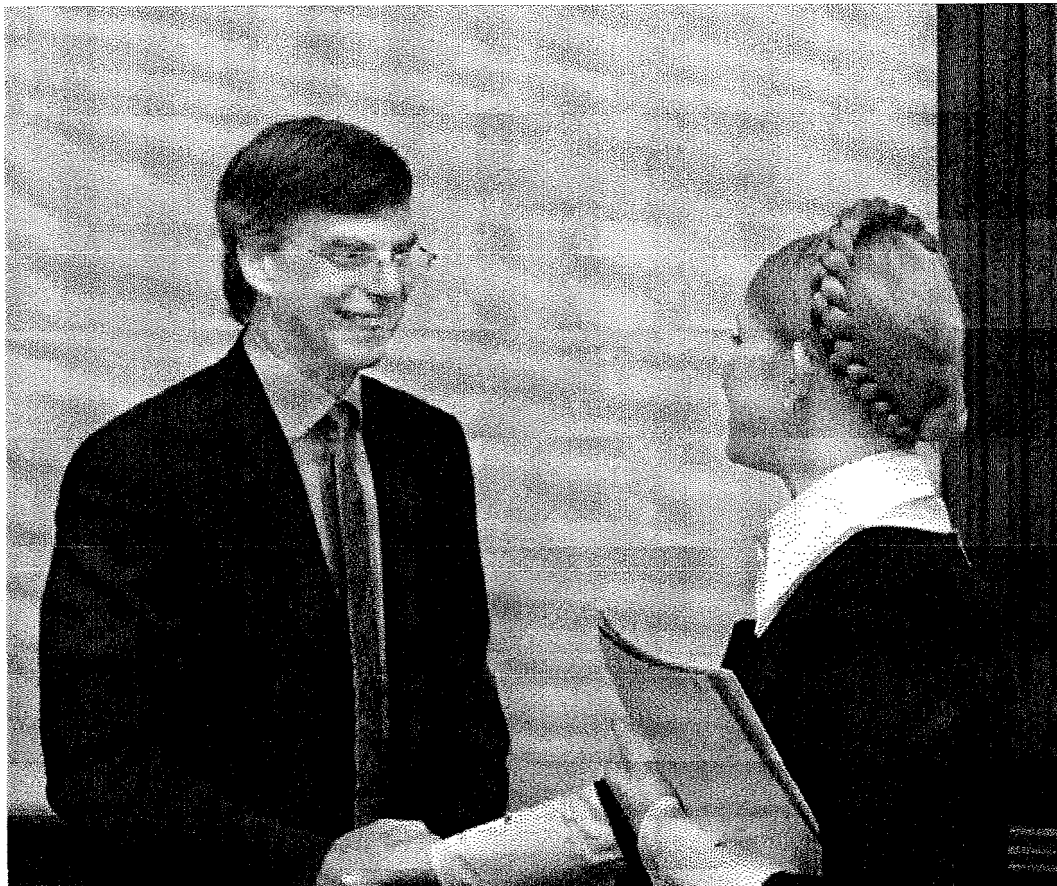
The agreement, together with its appendices, was such an elaborate deal that the heads of the two companies involved, Gazprom's Alexei Miller and Naftogaz's Oleh Dubyna, both had to sign it.

But the stress of the last few days had taken its toll on Dubyna, who had a heart attack and was hospitalized. As a result, the deputies of the two men signed the agreement instead: Gazprom Deputy CEO Valery Golubev and Naftogaz Deputy Chairman Ihor Didenko.

The documents were not published, and only later did it become clear that Gazprom had structured the deal on its own.

While the pecuniary benefits of the deal were important to Gazprom, Tymoshenko was more interested in what it could do for her politically. Firtash was the most important financial backer of opposition leader Viktor Yanukovich, her biggest rival.

he hoped to be able to drain his biggest source of funding, which she described as a "large feeding trough, the shadow treasury of all of Ukraine's presidents." Elections were around the corner, and both Tymoshenko and Yanukovich were eager to capture the presidency.



Former U.S. Ambassador to Ukraine William Taylor and former Prime Minister Yulia Tymoshenko shake hands in Kyiv on Nov. 11, 2009. (UNIAN)

'Questionable character'

The Ukrainian prime minister, Russian Prime Minister Putin and the Western Europeans all celebrated the agreement with Moscow. Even the U.S. Embassy, which described Firtash as a "questionable character," wrote in a cable to Washington that the elimination of RUE could introduce "transparency and accountability" into the gas

trade.

The U.S. Embassy cables published by WikiLeaks reveal what a devastating blow the deal was to Firtash, and how furious it made him. He met with U.S. Ambassador to Ukraine William Taylor, who, in his reports to Washington, wrote that Firtash believed that the new gas agreement between Tymoshenko and Putin was “criminal” and the “most stupid contract in Ukraine’s history.”

According to the ambassador, Firtash would have supported Tymoshenko’s immediate arrest. Taylor’s dispatch notes that the oligarch told him that if anyone else had signed such an agreement, “he would have already been hanging from the street lights.”

Other Tymoshenko adversaries, like Yuri Boyko, energy minister in the opposition’s shadow cabinet and a former member of the coordinating council of RUE, called the agreement a “betrayal of national interests.”

They insinuated that the prime minister had generally accepted a price that was too high for future gas deliveries from Russia, had kept the transit fees too low and had agreed to unacceptable payment arrangements – all with the goal of eliminating Firtash.

There were also direct threats. Tymoshenko told SPIEGEL that Naftogaz deputy chief Didenko had received threatening calls from Kyiv while he was in Moscow, attending the negotiations, warning him that he would “do time” if he signed the agreements. Tymoshenko stressed that Didenko “merely carried out my instructions.”

Arbitration in Stockholm

The most exciting chapter in the drama surrounding RUE and the 11 billion cubic meters of gas began on March 24, 2009. Firtash and his backers were determined to exact revenge, and they wanted to regain control over the gas. Firtash had already filed nine complaints in Ukrainian courts, but now he turned to the Arbitration Institute of the Stockholm Chamber of Commerce.

The Institute, at Jakobs Torg 3 in Stockholm, is almost 100 years old and considered one of the most renowned arbitration courts worldwide.

The Swedes accepted the case, but needed time to process it. All parties involved issued their statements.

Firtash felt that the Moscow deal was illegal because of certain clauses and previous agreements that were still valid, while Naftogaz and the Ukrainian government defended it as legal.

The outcome seemed open. The Ukrainian government, however, felt confident that it would win the case, because Naftogaz, and not RUE, had paid for the gas.

Then the government changed hands in Kyiv.

Tymoshenko’s rival, Yanukovich, whom the Orange Revolution six years earlier deprived of the office of president, which he was convinced he would win, became president in February 2010, even though only one in three Ukrainians voted for him.

An about face



Security Service of Ukraine chief Valery Khoroshkovsky during Independence Day celebrations in Kyiv on Aug. 24. (UNIAN)

What a triumph it was for Tymoshenko's rivals! Oligarch Firtash, who the Americans believed was one of the key financial backers of the new president, was suddenly part of the inner circle of the powerful in Kyiv.

Many of Firtash's associates were appointed to government posts. Two of his friends, Yury Boyko and 38-year old Serhiy Lyovochkin, whose father had years earlier headed Ukraine's prison system, became energy minister and the president's chief of staff, respectively.

His confidant Valeriy Khoroshkovsky, owner of the Inter media empire, for which Firtash owned a purchase option until recently, was made head of the state security organization.

With Khoroshkovsky's help, Yanukovych had ministers and top officials in the former government arrested.

But nowhere was the purge as radical as at the state-owned Naftogaz, where the entire management team was replaced. Didenko also left the company, "of his own will."

The new president needed only a few months to gain control over the executive, the majority of the parliament and most of the judges, who were already corrupt.

The “ancient human instinct of fear has to be activated to a much greater degree again,” said his prime minister, who replaced the hated Tymoshenko after her election defeat. Ukraine was on its way to becoming an authoritarian country again.

At this point, things began moving quickly in Stockholm as well. Naftogaz now reported to the Yanukovich administration, which meant that the two parties facing each other before the arbitration court were no longer enemies but friends.

Effectively, they were one and the same party.

On the one side of the table, Firtash was negotiating in the interest of RUE, while the Ukrainian government was on the other side: Energy Minister Boyko, representing Yanukovich, with both men closely allied to Firtash. The case had turned into a farce.

A catastrophe

It ended on June 8, 2010, with a clear verdict: the Swedes ruled in favor of RUE.

The state-owned Ukrainian gas company was to return the disputed 11 billion cubic meters of gas to Firtash’s RUE, as well as another 1.1 billion cubic meters of gas as compensation for lost profits.

RUE asked to be paid the cash equivalent of the 12.1 billion cubic meters, and demanded the market price for the gas, not the special price of \$1.7 billion to which Gazprom had once agreed.

Based on RUE’s calculations, the value of the gas had suddenly tripled to \$5.4 billion.

This is a catastrophe for Ukraine. If Kyiv returns the gas, the country will no longer have enough for the winter.

If it agrees to pay the several billion dollars, the government will have to pay Naftogaz’s debts. But Kyiv itself is broke and has survived on International Monetary Fund (IMF) loans since the worldwide financial crisis began.

But why did Naftogaz suffer such a clear defeat in Stockholm, especially after the initial prospects for the state-owned company were not considered half bad?

The Swedes are refusing to comment on the issue, citing the confidentiality of arbitration court rulings. The Yanukovich government also refuses to make any statements.



Opposition members of parliament block the rostrum in Kyiv on July 8 in protest of President Viktor Yanukovich's heavy-handed control of parliament. A sign at left says: "Yanukovich + Firtash + Khoroshkovsky = Gas Mafia," a reference to the president, Ukrainian billionaire and RosUkrEnergo co-owner Dmytro Firtash and Security Service of Ukraine chief Valeriy Khoroshkovsky, all three closely allied. (UNIAN)

Commercial interests

SPIEGEL has since been able to review copies of the Stockholm decision. A passage on page 4, under item 4, reads: "Although Naftogaz initially claimed, during the course of this arbitration, that the procurement of the 11 billion cubic meters of gas was sufficiently justified from a legal standpoint, it now states that this was not the case." In a different passage, Naftogaz suddenly admits that this gas "belongs to and has always belonged to RUE."

As dry as these sentences sound, they are also incredibly explosive. It now becomes clear why the new leadership did not publish the arbitration court's decision: Naftogaz, despite being in a difficult financial position, reversed its legal position by 180 degrees after the change of government in Kyiv.

The company itself pushed the Stockholm court to reach a decision that was unfavorable for Ukraine.

Besides, as SPIEGEL has also learned, Naftogaz removed the names of the relevant Gazprom officials from statements.

The Russian company, which had facilitated the January 2009 deal, was hardly even mentioned in the proceedings.

Some have reached this conclusion: Viktor Yanukovich, the president of Ukraine, served the commercial interests of an oligarch with whom he has close ties, at the expense of his own country. And, in doing so, he also did Moscow a favor.

Serhiy Vlasenko, the lawyer and parliamentarian, calls this "cynical." He is sitting in the bar of the Riviera, a four-star hotel in Kyiv's historic Podil district, looking out at the banks of the Dnipro River. "What is the guarantee that the same thing won't happen again tomorrow, in another case?"



European Union monitors tour Russia's Sudzha gas pumping station on Jan. 11, 2009, during the nearly three-week shutoff of Russian natural gas supplies to Europe through Ukraine. (AP)

Facing imprisonment

Vlasenko has drawn a diagram of the empire of Dmitry Firtash onto a yellow paper napkin. The drawing resembles the tentacles of an octopus. "Firtash's profits from the Stockholm affair are likely to be immense," he says.

To divert attention away from this process, says Vlasenko, Firtash's friend, security chief Khoroshkovsky, launched an anti-corruption campaign that solely targeted leading members of the previous government. In addition to former Naftogaz deputy chief Didenko, his main accountant, the head of the Ukrainian customs agency and other government officials were arrested.

Two former ministers were also arrested. In a separate case, the former head of the Interior Ministry was also recently arrested.

Criminal action was initiated against former Prime Minister Tymoshenko on Dec. 15, and she was forbidden to leave the country. Five days later, Tymoshenko was charged with misuse of state funds, and she too could now face imprisonment.

The conclusion is unavoidable that these charges and arrests constitute political payback.

"Didenko was charged, under Article 191 of the Criminal Code, with misappropriation of assets on a large scale," says Vlasenko with a bitter smile.

"That's absurd. Last year a Kyiv court ruled that Didenko had acted legally in Moscow. Now, after the change of government, the court decisions are, of course, different. Now he is even expected to suffer for the fact that the government has to pay for the deal between Naftogaz and Gazprom."

The meeting at the Riviera took place at the end of October.

On Nov. 24, Ukraine's highest court upheld the Stockholm decision. On Dec. 6, oligarch Firtash announced that he had repaid his debts with Naftogaz and Gazprom and, in return, had received the 11 billion cubic meters of gas plus the additional 1.1 billion cubic meters, which the Stockholm court had awarded him as an "injury award."

Firtash claims that he has since sold all of the gas to Gazprom, although he has declined to specify the price.

Experts have calculated that the Ukrainian government lost about \$1 billion in this process of shifting 12.1 billion cubic meters of gas back and forth. Firtash, however, is raking in a huge profit at current prices.

The 12.1 billion cubic meters are now worth \$3 billion. The oligarch denies that Ukraine came up short in the deal, and that the gas reserves are no longer sufficient for this winter.

The Kyiv newspaper Kommersant disagrees, writing that half of the 24 billion cubic meters currently being stored in tanks is now gone, corresponding to about a quarter of annual requirements. This, the paper writes, creates the risk of an energy collapse.

Didenko, for his part, remains in Lukyanivska Prison. A Kyiv appeals court extended his pre-trial detention on Dec. 9. What is happening here, says Didenko, is "a political trial in the interest of dirty economic groups." He could face several years in prison.

Translated from German by Christopher Sultan. The Der Spiegel article can be [found online](#).

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Exhibit 5

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Ukrainian President Viktor Yanukovich (L) met on Feb. 14 with Ukraine's Supreme Court Chief Justice Vasyl Onopenko (R).

After Onopenko meets with Yanukovich, legal troubles end for two relatives

Feb 17 at 18:31 | Yuriy Onyshkiv

Ukrainian President Viktor Yanukovich met on Feb. 14 with Ukraine's Supreme Court Chief Justice Vasyl Onopenko, who cried foul last week about the lack of independence of Ukraine's judiciary system and the resurgence of political persecution.

Onopenko didn't get into details, but told the Kyiv Post that the two leaders discussed judicial reform and agreed to meet more often. "The president seems to be uninformed," said Onopenko, but expressed commitment to European standards of justice.

The day after the meeting, a criminal case against Onopenko's younger daughter, Iryna, was withdrawn while his son-in-law, Yevhen Korniychuk, a former deputy justice minister, was released from jail. Korniychuk was jailed on abuse of power allegations for supposedly not holding a competitive bid in the selection of Magisters law firm to represent state-owned Naftogaz, the energy monopoly.

Onopenko told the Kyiv Post that he only briefly mentioned the cases against his family, but said that he "did not ask the president for anything."

Since Yanukovich took over as Ukraine's president one year ago, he has systematically monopolized most levers of power in the country by putting loyalists in charge of all branches of government. The only major exception is one of the most influential positions in Ukraine's judiciary branch, the seat Onopenko currently holds: chief justice of Ukraine's Supreme Court.

Onopenko was elected to the position nearly five years ago when he was a political ally of current opposition leader and ex-Prime Minister Yulia Tymoshenko. Last year, Yanukovich's governing coalition tried to undercut the Supreme Court's influence by adopting legislation that sharply cuts its authority.

Critics, including the Venice Commission – the Council of Europe's advisory body on constitutional matters – are pressuring Yanukovich's ruling majority to return lost authority to the court. Even if they do, however, Onopenko's days at the court may be numbered.

Exhibit 6

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Former Ukrainian Prime Minister Yulia Tymoshenko greets supporters at the Prosecutor General's Office in Kyiv on Jan. 13. Prosecutors launched a criminal case against Tymoshenko, accusing her of abuse of power by misspending government money when she was in power. She denies the charges. Oleksandr Prokopenko

Numerous investigations target Yanukovich's foes

Jan 14 at 02:13 | Peter Byrne

Ukrainian law enforcement agencies, led by the state prosecutor's office, are investigating dozens of cases involving former nationalist groups, tax code protesters and members of the previous government on a wide array of charges, ranging from hooliganism and embezzlement to abuse of office.

Here is the rundown of some of those facing criminal investigations in the President Viktor Yanukovich administration:

Yulia Tymoshenko

Yulia Tymoshenko, former prime minister, is being investigated for alleged abuse of power during her tenure as prime minister.

The original charge against her involves the misappropriation of \$425 million in government funds allotted for environmental spending. Tymoshenko denies all wrongdoing. She has said she transferred the money to cover the country's massive pension arrears.

Yuriy Lutsenko

Yuriy Lutsenko, leader of the Ukraine Without Kuchma movement in 2000 and former Interior Minister 2005-2009, on Dec. 27 was arrested on charges of abuse of office.

Ukraine's Interior Ministry announced on Oct. 21 that it is investigating possible abuse of office by Yuriy Lutsenko, who headed the ministry from 2005-2009. A source within the ministry quoted by the daily Segodnya newspaper said investigators are looking into the payments of Hr 165,000 to Lutsenko's driver while he was minister.

Lutsenko has denied any wrongdoing.

Bohdan Danylyshyn



Bohdan Danylyshyn served as economy minister under Tymoshenko, who left office on March 4. He is alleged to have abused his official powers, incurring Hr 14 million in losses to the state during a tender for building a parking lot for Terminal D of Kyiv Boryspil Airport. Only one company bid for the contract.

Danylyshyn is also accused of illegal purchases of fuel for the army in 2008. In August 2009, law-enforcement authorities asked Interpol for an international arrest warrant. The Czech police on Oct. 20 arrested Danylyshyn. But reports emerged on Jan. 13 that Czech authorities had granted Danylyshyn political asylum.

If true, the development is a major blow for Yanukovich, a sign that more people internationally view his "anti-corruption" campaign as targeted against political enemies.

Anatoly Makarenko



Anatoly Makarenko headed the State Customs Service under Tymoshenko. He is currently being held in pre-trial detention, accused of abuse of authority resulting in losses to the state.

His alleged crime is wrongful appropriation of 11 billion cubic meters of natural gas, seized for the state from gas trader RosUkrEnergo.

As much as \$5 billion in gas and fines is at stake for Ukrainian taxpayers.

After President Viktor Yanukovich took power, an international arbitration court ordered Ukraine to return the gas to RosUkrEnergo, whose Ukrainian co-owners have close ties to the presidential administration.



Makarenko has been held by police since June in Kyiv's Lukyanivsky pre-trial detention facility.

Ihor Didenko



Ihor Didenko is the former first deputy head of Naftogaz Ukraine, the state's oil and gas monopoly, under Tymoshenko.

He is also held in connection with the ownership dispute over the same 11 billion cubic meters of gas.

Didenko has been held in pre-trial detention in Kyiv since July.

Taras Shepitko

Taras Shepitko worked as the deputy head of the energy department of the State Customs Service and is also involved with allegedly abusing his office by customs clearing the transfer of 11 billion cubic meters of gas. He has

been held in pre-trial detention since July.

Mariya Kushnir



Mariya Kushnir (second on the left), the former acting director of the accounting department at Naftogaz Ukraine, is the fourth suspect in the criminal case involving the disputed Russian natural gas.

She is accused of using her position to benefit third parties.

She was detained in September in the Russian city of Volgograd and is awaiting extradition to Ukraine.

Oleksandr Turchynov



Oleksandr Turchynov, former first deputy prime minister for Tymoshenko, is a witness in the case involving the disputed 11 billion cubic meters of imported gas.

Turchynov has been summoned on numerous occasions for questioning by the Security Service of Ukraine, or SBU.

Valery Ivashchenko

Valery Ivashchenko, the former acting head of Ukraine's armed forces under Tymoshenko, is accused of illegally selling state property belonging to the Feodosiya Ship Repair Factory. The property was transferred to private entities.

State prosecutors claim Ivashchenko's activities resulted in the loss of Hr 17 million. He has been held in pre-trial detention in Kyiv since August.

Tetyana Hrytsun

Tetyana Hrytsun occupied the post of first deputy head of the State Treasury while Tymoshenko was prime minister.

She is accused of misappropriating Hr 800 million worth of tender fees for the privatization of the Odesa Portside Plant from September 2009 to April. She has been held in pre-trial detention since July.

Tatyana Slyuz

Tatyana Slyuz is the former head of the State Treasury.

She is accused of abuse of office during the privatization of Odesa Portside Plant. A warrant for her arrest was issued in July. Meanwhile, she remains No. 10 on Tymoshenko's Batkivshchyna Party election list for the Klumelnytskyi Oblast council.

Heorhiy Filipchuk

Heorhiy Filipchuk, former Environment Minister, was arrested on Dec. 15 on charges of abuse of office, becoming

the third minister from the Tymoshenko government to face criminal charges since her opponent Viktor Yanukovych came to power in February.

His detention followed an audit into the previous cabinet's affairs ordered by Yanukovych's allies which they say has revealed misuse of funds obtained from selling carbon emission rights under the Kyoto protocol.

Viktor Bondar



Viktor Bondar, former deputy customs chief and Transportation Minister in Yulia Tymoshenko's government has been charged for his alleged involvement in allegedly assisting in the deliberate destruction of private property.

State prosecutors have forbidden him to leave Kyiv until they conclude their investigation.

Evhen Korniychuk

Evhen Korniychuk, former deputy justice minister, was taken into custody by state prosecutors on Dec. 22 for allegedly exceeding his authority in 2009 "in matters relating to Naftogaz Ukrainy," Ukraine's state gas and oil monopoly.

Kyiv's Pechersk district court on Dec. 30 extended his pre-trial confinement until Feb. 23.

Tryzhub organization

The nationalist Tryzub organization said police on Jan. 8 rounded up over a dozen members for unlawful possession of fire arms in Ivano-Frankivsk region. Members of the group claimed responsibility on Dec. 28 for decapitating a bust of Joseph Stalin in Zaporizhia.

They deny blowing up the statue on New Year's Eve.

Oleh Akhtyrskiy

Oleh Akhtyrskiy, one of the organizers of Tax Code nationwide protests, was arrested in Kyiv on Dec. 30 for damaging tiles on Independence Square, where protesters pitched tents on the 6th anniversary of the 2004 Orange Revolution, which overturned a rigged presidential election that year.

Kyiv Post staff writer Peter Byrne can be reached at byrne@kyivpost.com

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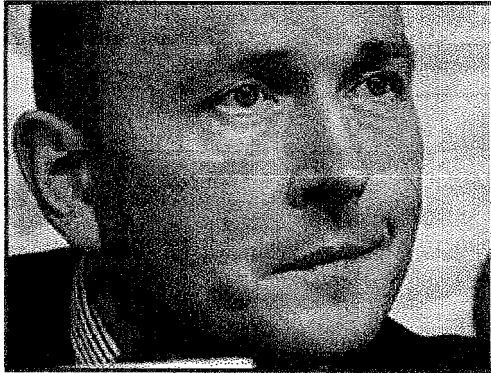
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Exhibit 7

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Former First Deputy Head of Naftogaz Ukrainy Ihor Didenko

Former Naftogaz official says he believed Cabinet approved directives

Sep 2 at 14:28 | Interfax-Ukraine

Former First Deputy Head of Naftogaz Ukrainy Ihor Didenko has told the court that he signed agreements on the customs clearance of natural gas owned by

RosUkrEnergo in 2009 because he was absolutely sure that he had received the directives to sign them from the Cabinet of Ministers, rather than from Yulia Tymoshenko, who headed the government at that time.

"I would have never have signed the contracts that I signed, and I would have not submitted them for consideration by [Naftogaz's] board if I had known that the directives obliging me to sign these agreements were issued by Tymoshenko alone, rather than being approved by the Cabinet of Ministers of Ukraine," Didenko's lawyer Ihor Stepanov quoted his client as saying.

"When they showed them to me, I was absolutely sure that these were the directives of the Cabinet of Ministers, rather than of Tymoshenko... So I'm very sorry that I was obliged to fulfill the personal instructions of the former prime minister while taking my decisions," Didenko said at a session of Kyiv's Pechersky District Court on Aug. 31.

Stepanov said that his client Didenko had made such statements during the debate in court regarding the case on the former Naftogaz first deputy head.

"It's his vision... I understand that it is his thoughts that he weighed and expressed in court," the lawyer said.

As reported, the Arbitration Institute of the Stockholm Chamber of Commerce obliged Naftogaz on June 8, 2010 to return RosUkrEnergo 11 billion cubic meters of gas and also pay it a penalty in the amount of 1.1 billion cubic meters of gas, as stipulated by the contract.

The Security Service of Ukraine (SBU) completed its pre-trial investigation into a criminal case against the Naftogaz of Ukrainy and the State Customs Service officials charged with misappropriating gas belonging to the Swiss-based gas trader RosUkrEnergo and its illegal customs clearance in February-March 2009.

The SBU believes the investigators had gathered enough evidence confirming the defendants' guilt. Didenko, former Head of the State Customs Service Anatoliy Makarenko, and Deputy Head of the Energy Regional Customs Taras Shepitko were arrested in connection with the case. Makarenko was detained in late June 2010, while Didenko was arrested in July 2010.

On July 5, 2011, Kyiv Court of Appeals released Makarenko and Shepitko from custody. At the same time, the court refused to release Didenko from custody.

On July 25, Pechersky District Court in Kyiv satisfied the request by Didenko's defense team and separated the materials on their defendant into a separate criminal case.

On Aug. 30, 2011, the prosecutors in the trial of Didenko came to a conclusion that the charges against the defendant should be changed to milder ones, Stepanov said. The lawyer said that the charges brought against his client were changed from Part 2 of Article 191 of the Criminal Code to Part 2 of Article 364, which provides for a milder penalty, and in particular, one that doesn't involve the confiscation of property.

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Exhibit 8

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Group DF is the international private holding company of prominent Ukrainian businessman Dmitry Firtash.

Among the entities controlled by Group DF, the following companies play key roles:

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- Emfesz, a Hungarian energy trading and service provider
- Zangas, a pipeline construction company
- OSTCHEM Holding AG, a holding company for a number of chemicals companies in Eastern Europe encompassing mineral fertilisers, organic acids, titanium dioxide and soda ash

The combined revenues of Group DF's subsidiaries were approximately US\$4.6bn in 2006

Group DF plans further rapid expansion, particularly in the acquisition of energy assets and large scale infrastructure projects, and seeks to be a leader in each of the fields in which it operates.